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THE CESSION OF LOUISIANA TO SPAIN.

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BY

WILLIAM R. SHEPHERD.

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THE CESSION OF LOUISIANA TO SPAIN.

PRESENT appreciation of the value of the Louisiana territory, and the estimate put upon it by France and Spain while they were its actual possessors, afford one of the most remarkable contrasts in history. The willingness of Spain to exchange the tract for a petty kingdom in northern Italy, the readiness of Napoleon to surrender it for a quite insignificant sum of money, and the consternation felt in the United States itself over the gigantic landslide from beyond the Mississippi, are too well known to need further comment. These conditions of mind will, at any rate, bear profitable comparison with the spirit of France in 1762 when ceding Louisiana to Spain, and with the feelings of that country in accepting it. Save as a matter of policy,[1] France displayed the utmost indifference as to the fate of its American colony. To both powers Louisiana was not merely destitute of intrinsic value, it entailed a positive deficit.[2] Its alienation would confer an advantage upon the donor, and entail a corresponding loss to the recipient. Ignorance, neglect and maladministration had brought on so much expense and vexation, that France felt inclined to relinquish the burden, although with a show of magnanimity that faintly concealed her actual sense of relief, while Spain took up the unwieldy mass with a display of gratitude that poorly masked her own chagrin. Compared with these circumstances, the attitude of France and Spain at the opening of the nineteenth century would seem to betoken a real reluctance in parting with the Louisiana territory. That of the United States in receiving it would appear one of positive eagerness.

Various considerations had induced Spain to participate in the

[1] See *infra*, p. 447, *et seq.*

[2] One of the most noted of recent Spanish historians has ventured the surprising statement that "the exploitation of the gold mines along the Mississippi brought quite a number of colonists to Louisiana." Danvila, Historia del Reinado de Carlos III, t. iv, p. 74. Had such mines really existed, the history of the Spaniard in America affords some reason to believe that alacrity, and not reluctance, would have marked the attitude of Spain in reference to accepting Louisiana from France.

war that deprived her of Florida and gave her Louisiana. With growing uneasiness the court of Madrid had watched the diminution of the French power in the North American continent. It feared that when once the colonial balance of France and England had been destroyed, the Spanish American dominions would become the object of English ambition and enterprise. In this opinion Spain was encouraged by the conduct of England herself. The British had adhered tenaciously to their settlements in Honduras, and had carried on a profitable contraband trade with the Spanish colonies elsewhere. A sense of community, also, in the affairs of the two great representatives of the Bourbon dynasty exercised considerable influence on Charles III. The misfortunes of his royal "brother and cousin," Louis XV, and the skill with which the latter and his ministers utilized them in appealing to the sentiment of dynastic affection, weaned the Spanish king from the prudent attitude of neutrality which he had observed during the earlier years of the war. A futile effort to mediate on behalf of France was followed by the formation of the third Family Compact, August 15, 1761.[1]

Whatever might have been the spirit of this agreement, it was not specifically an alliance against Great Britain. That was not concluded until February 4, 1762,[2] about a month after Great Britain, aware of the eventual purpose of the new combination of the Bourbon courts, itself had declared war on Spain. In associating himself with Louis XV on this occasion, Charles III simply became the "cat's-paw" member of the Bourbon alliance, precisely as the French monarch had been enacting that rôle in his connection with Austria. Sentimental sympathy for his Bourbon kinsman, and the fear of British colonial designs blinded Charles III to the actual plight of France, and to the great strength, almost undiminished, of the English adversary. Fatuously he assumed the task of fighting for a cause already lost; the act brought in its train naught but defeat and humiliation.[3]

[1] Cantillo, Tratados, convenios y declaraciones de paz y de comercio, p. 468, *et seq*

[2] "Convencion particular de alianza, ofensiva y defensiva entre las coronas de España y Francia contra la Gran Bretaña." *Ibid.*, p. 482 *et seq.*

[3] In view of the utter overthrow of the French colonial dominion which had been attained by the time the Family Compact was signed, the language of that

No sooner had Spain embarked in the war than she assumed an active share in the negotiations, already pending, for peace. The only section of the preliminary articles under consideration in July, 1762, which concerned Spain, was that relating to the proposed boundary of Canada on the south and west. By the sixth article as then constituted, France had agreed to cede to Great Britain the left bank of the Mississippi as far as the river Iberville and Lakes Maurepas and Pontchartrain, thus making the Mississippi the boundary between Canada and Louisiana.[1] Forthwith the Marquis of Grimaldi, the Spanish ambassador, protested to the Duke of Choiseul against this virtual cession of a part of Louisiana [2] under the guise of merely fixing the boundary line of Canada.[3] Such a procedure, he argued, would give the English an easy outlet to the Gulf of Mexico. So abhorrent was the idea to the Spanish mind that he even expressed a doubt whether his royal master would ever conclude peace, should the meaning of the article be so construed. He thus intimated that

staid document in reference to compensation for gains and losses seems almost jocose. It says: "Their Catholic and Christian Majesties have agreed that, when the question of peace shall have arisen at the close of the war which they may have carried on in common, the advantages gained by one of the two powers shall compensate for the losses the other may have sustained." *Ibid.*, p. 471, art. xviii. Nor does the humorous aspect disappear in the wording of the actual treaty of alliance between Charles and Louis, wherein it is stated that "from the day of the date of this convention the losses and gains shall be common." *Ibid.*, p. 483, art. iii. The issue of the war certainly enabled Spain to fulfill her treaty obligations, for she shared the losses and — in the minus degree — the gains! Cantillo very properly remarks that for considerations of "mere family affection the blood and interests of an entire people [*i.e.* the Spanish] were compromised in the blunders and caprices of a foreign monarch." *Ibid.*, p. 474.

[1] "La France accorde que la fleuve de Mississippi serve aux deux nations de limites entre la Louisiane et le Canada, de manière que la rive gauche de ce fleuve appartienne à la Grande Bretagne jusqu' à la rivière Ibervillé et les lacs Maurepas et Pontchartrain." Projet d'articles préliminaires arrettés (*sic*) entre la France et l'Angleterre, Art. vi. Archivo General de Simancas. Estado, Legajo, 4551.

[2] Elsewhere in the preliminary articles the river and part of Mobile were included in the French cession to Great Britain.

[3] It must be remembered of course, that during the French occupation no definite line of territorial division between Canada and Louisiana as provinces had ever been established. Nor did the maps of the period render the task of the diplomats any easier.

France was not at liberty to dispose of Louisiana without the consent of Spain. The suggestion provoked from the Count of Choiseul, the duke's younger brother, who was present at the conference, the sharp rejoinder that it seemed rather odd for Spain to lay down the law to France regarding the latter's own property, especially since under the circumstances the English might decline altogether to entertain the proposition.[1] Choiseul hastened to rebuke this youthful outburst, and answering Grimaldi's objection, said that the sense in which the article was couched ought to be clear enough to relieve the Spaniards of any such apprehension. If that were insufficient, the map that was to accompany the definitive treaty would indicate precisely the extent of the proposed cession. He declared that, since the river Iberville and the two lakes were to remain in the possession of France, the further navigation of the Mississippi by the English toward the Gulf of Mexico would be barred at that point. At least such was the present attitude of France on the subject. In the event of Great Britain's being dissatisfied with the arrangement, certainly nothing would be done, asserted Choiseul, in reference to ascertaining the boundary between Canada and Louisiana, without a previous agreement between the two Bourbon monarchs.[2]

Up to August, 1762, Grimaldi had received no precise instructions to govern his conduct in the negotiations, but his doubt in reference to the boundary of Canada was well substantiated in the orders that then came from Ricardo Wall, the Spanish chief minister of state. The instructions pointed out how utterly opposed the king of Spain was to any cession whereby the English might get a foothold on the Gulf of Mexico, or even hope to be able to reach that body of water. That Canada ever extended so far to the south as the French had maintained was preposterous. "The English on their part ought not to claim any port of Louisiana itself as a boundary between that province and Canada," wrote Wall, "for to do this one would have to stretch Canada southward to a point it never attained. Nor are the French free

[1] Simancas, Estado, Legajo, 4551. Grimaldi to Choiseul, July 20, 1762, and to Wall, July 22 and August 19, 1762.

[2] *Ibid.* Choiseul to Grimaldi, July 21, 1762; Grimaldi to Wall, August 20, 1762.

to dispose of possessions the right to which Spain, as the legitimate owner, has never conceded." However, since his Majesty had resolved to

coöperate in every way so as to secure a lasting peace, it would be better to fix boundaries between the several possessions as they actually exist, although up to the present time some of them may not have been recognized by Spain as unquestionably parts of the royal dominions, Louisiana and Georgia, in particular, belonging to this class.

So far as Canada was concerned, he thought that the latitude of the Carolinas might well serve as an approximate line of demarcation between the French and Spanish territories.[1]

Armed with these instructions, Grimaldi notified Choiseul that he was ready to produce legal and historical proofs whenever it might be needful to substantiate the Spanish claim to Louisiana,[2] at least so far as determining the extent to which the province might be alienated to a third power. The matter of capital importance to Spain at the existing stage of the negotiation, he

[1] *Ibid.* Wall to Grimaldi, August 2, 1762.

[2] "I do not believe it necessary to prove the king's right to Louisiana, but in order that one may provide for all possible contingencies, it might be well to have ready and at hand a memorial with the proofs of that right, such as are indicated in the enclosed sheet — those of which all the European powers have availed themselves to establish the legitimacy of their conquests and possessions in America.

"Memorial which proves:

"1. That the Spaniards discovered and explored all the region or coasts that surround the Gulf of Mexico.

"2. That they have taken possession of the same, and have performed those acts of jurisdiction and dominion whereby the European powers attest their right to the countries of America.

"3. That by reason of the enormous extension, Spain has not populated all the region, in which time [*sic*] the French made their way to the River Mississippi and to Louisiana.

"4. That their settlement is not legitimate nor recognized by Spain, in proof of which during the reigns of Philip V in Spain and of Louis XIV in France, the French were ejected from it by armed force.

"5. That the previous toleration by Spain neither lessens her own right, nor gives weight to the claims of France, *etc.*" *Ibid.* Grimaldi to Wall, August 20, 1762. In his fourth "proof" Grimaldi, it would seem, refers to Juchereau de Saint Denys' exploring trip to the southwest of Louisiana in 1716. See Garrison, Texas (American Commonwealths Series), ch. v, and Winsor, The Mississippi Basin, 90–98, and the authorities therein cited.

urged, was not only that the English possessions on the continent of North America should be kept at a remote distance from the shores of the Gulf of Mexico, but also that both banks of the Mississippi for a like distance should continue to belong to France. In the opinion of the Spanish ambassador, this would be the best means of preventing English vessels from entering the river from the gulf itself. "So essential is this point regarded in Spain," concluded Grimaldi, "that until his uneasiness vanishes and his mind is made tranquil, the king cannot lend himself to peace according to the measure of his desires."[1] In reply to this repetition of an earlier threat, Choiseul explained that England had already declined to accept any such adjustment of the matter at issue. Thereupon Grimaldi suggested that a neutral and desert zone be erected between the southern boundary of Canada even as far south as the latitude of lower Georgia on the one side, and the remainder of Louisiana and the Spanish territories on the other.[2] Such was the state of affairs on September 17, when the Duke of Bedford, the British commissioner, became one of the participants in the discussion.

Informed of the approaching arrival of Bedford, Wall now sent Grimaldi a new set of instructions. Their main purpose was to gain, if possible, some real advantage, territorial or commercial, which would serve either as a reimbursement for the expense of the aid afforded to France, or as an offset to the losses Spain might have to undergo from British conquests.[3] Rumors of disaster at Havana gave a tinge of foreboding and precaution, fur-

[1] Simancas, Estado, Legajo, 4551. Grimaldi to Choiseul, August 13, 1762.

[2] *Ibid.* Wall to Grimaldi, September 5, 1762, and Grimaldi to Choiseul, September 15, 1762. "Moyens de régler les articles de l'Espagne avec l'Angleterre."

[3] "Considering that the king has performed the service of relieving the king, his cousin, from an oppressive war, if he can obtain some compensation for the injuries he has sustained . . . how can one believe that he would decline it?' *Ibid.* Wall to Grimaldi, September 16, 1762. "Although his Majesty has not proposed any advantages for himself, should England offer any . . . it would be foolish not to accept them, and not be the gainer by the proposals of our enemies, securing some just indemnity for the expense and losses. To this end you have ordered me to treat of these compensations in exchange for the restitutions that we shall have to make." *Ibid.*, Grimaldi to Wall, September 13, 1762. The "restitutions" refer to the territory captured from Portugal in the region of the Rio de la Plata.

thermore, to the instructions. Grimaldi was bidden not to insist upon the Spanish claims so far as to break off the negotiations,[1] and he must yield all if Havana should have fallen.[2]

In his dealings with Choiseul and Bedford, obedient to the instructions, Grimaldi laid all the stress possible on the benevolent and disinterested motives of his royal master.[3] He asserted that on the point of requiring indemnification for any restitutions that Spain might be obliged to make, his orders were absolute. At the same time the Spanish ambassador deftly insinuated that the willingness of his Catholic Majesty to hasten the approach of peace would always exercise a modifying force — "an expression of which I availed myself," he wrote to Wall, "as an excuse in case I were compelled to relinquish all as a prevention of rupture in the negotiations."[4] Apparently the only thing that made this threadbare diplomatic trick so successful as to disquiet even Choiseul, was the rather unusual circumstance that the Marquis d'Ossun, the French ambassador at Madrid, had not been able to elicit an inkling of Grimaldi's orders.[5]

At the opening conference of the commissioners of the three powers, much to Grimaldi's consternation, the Duke of Bedford submitted a new version of the sixth article of the preliminaries, and with the character of a *sine qua non*. This provided that the line of demarcation between Canada and Louisiana should be traced along the Mississippi and the river Iberville, straight through Lakes Maurepas and Pontchartrain to the Gulf of Mexico. The navigation of the Mississippi, furthermore, from its source to its

[1] "Perhaps if the Duke of Bedford could be persuaded to believe that he might be allowed to return to London with the discomfiture of not having accomplished anything, he might agree to yield in some respect . . . but if with all this the outcome should be naught, then bow the head and sign." *Ibid.*, Wall to Grimaldi, September 29, 1762.

[2] The possession of the stronghold of Havana, as the key to the Gulf of Mexico, and to her colonial dominions near and around that body of water was of course indispensable to Spain.

[3] Simancas, Estado, Legajo, 4551, Grimaldi to Wall, September 24, 1762.

[4] *Ibid.*, September 19, 1762.

[5] "Since the character of the French nation is so light and hasty, if they were to know the actual degree to which the condescension of his Majesty extends, even were their intentions toward us the best in the world, they would give up every thing in one moment or another." *Ibid.*

mouth was to be common to the vessels of both Great Britain and France. When Grimaldi endeavored to give force to the claim of Spain to Louisiana, as thereby entitling her to a voice in the disposition of that province, Bedford remarked, rather tartly, that although Spain did seem to claim all of America, there were other nations in the world owning considerable parts of the western continents, and they had strength enough as well to make their possession valid. Louisiana, he continued excitedly, was now held by the French; if it belonged to Spain the intruders should have been expelled long before. Moreover, he professed to be astonished not so much that Spain should try to hinder France from disposing of her own property as she saw fit, but that the forbearance of Louis XV had lasted so long. To this exhibition of bluster, Grimaldi replied quietly, that Spain merely desired to fix reasonable boundaries among the colonial possessions of the three powers concerned. Spain, therefore, was willing to relinquish her claim to Georgia, and to accept any fair adjustment of the Florida divisional line. At this juncture Choiseul observed that without the consent of Spain, France would not conclude peace. "So much the worse for you," retorted Bedford savagely, and the conference came to an abrupt close. Later Choiseul warned Grimaldi that Spain was not in a position to withstand the British demands, and that peace must be procured at almost any cost.[1] Of these circumstances the Spanish envoy was perfectly aware, and as already noted,[2] his instructions had been such as to make Choiseul's chiding advice quite superfluous.

Perceiving that Bedford was absolutely inflexible[3] in his demands regarding the navigation of the Mississippi, Choiseul felt obliged to contrive some means of satisfying Grimaldi without modifying the British ultimatum in any essential degree. He confessed to Ossun that he was puzzled to know why Spain would not accept the preliminary article as Bedford had offered it. He

[1] Simancas, Legajo, 4551, Grimaldi to Wall, September 19, 1762.

[2] *Supra*, p. 445, note 1.

[3] "I doubt whether the universe could succeed in making him change a word; why, I have not been able to induce him even to convert the articles he has proposed into better French!" *Ibid.*, Choiseul to Ossun, September 20, 1762.

found nothing in it to injure the interests or pretensions of Spain. Unable to divine the motives of the Spanish opposition, he hazarded the assumption that Spain objected to the danger of contraband trade in case English vessels were allowed to enter the Mississippi from the Gulf of Mexico. But according to the literal wording of Bedford's demand, only the navigation *down* the river was in question. And if it were the fear of an attack on Florida that actuated the Spaniards, it certainly appeared easier to assail that colony from the direction of Georgia than from that of the Mississippi region. Impelled at length by what he believed to be a necessity, he submitted to Bedford a new article composed in the following form:

> France consents to extend the boundaries of Canada as far as the river Mississippi, which is to serve as a barrier and [the navigation of which] will be common to both crowns; but it is agreed that the possession of New Orleans shall remain with France.[1]

"In any case," he wrote to Ossun,

> whether it be this our latest form of the article, or that of England which is to be accepted by the two parties, the king has decided in his council that he would order the French to evacuate the whole of Louisiana, rather than to miss the opportunity for peace on account of the discussion about a colony with which we are unable to communicate except by sea; which has not, and cannot have, either a port or a roadstead into which a xebec of twelve guns could enter, and which costs France eight hundred thousand livres a year, without yielding a sou in return.[2]

At the same time he directed Ossun to emphasize to Charles III the immense risk of renewing the war in case the objections of Spain were not withdrawn. In particular, also, he must show how willing France was to give up Louisiana altogether, and even to cause the departure of the French colonists themselves.[3]

[1] *Ibid.* "Art. vi; tel qu'il est proposé par la France pour moyen de conciliation."

[2] *Ibid.*, September 20, 1762.

[3] "Représentez, Monsieur, la liberté oú est le Roy de céder et même de faire evacuer ces possessions." *Ibid.*, Choiseul to Ossun, September 20, 1762; Ossun to Wall, September 27, 1762.

Confirmation of the rumors that Havana had surrendered to the English, together with the exhortations of Ossun, caused Wall to notify Grimaldi that the final decision of the matters in controversy was to be left to France. "His Majesty has resolved to act generously," wrote Wall, "play the part of the good thief, and confide the final determination to the French, placing himself thus in their hands so as to come out as well as possible, or let theirs be the fault." [1]

The capitulation of Havana of course enabled Great Britain to render the preliminary articles of peace more severe, and as Grimaldi remarked, to "affect an imperative tone" in most of them.[2] Not only was the clause in the sixth article about the navigation of the Mississippi freed from the ambiguity in regard to the ascent, as well as the descent, of the river,[3] but a series of five stipulations was imposed, on compliance with which Havana would be restored to Spain. One of them called for the cession to England of Porto Rico, or of all the Florida region. France was well aware that Spain would choose the latter alternative, and suddenly decided to relieve her ally of the necessity of surrendering the colony in question. She had already agreed to cede to Great Britain all of Louisiana east of the Mississippi. Now she offered to that power the remainder of the province west of the river, including New Orleans and the island on which the town was situated — in other words, the territory comprised within the limits of the subsequent Louisiana Purchase. The spontaneous offer suited neither England nor Spain. The former rejected it as an inadequate substitute for Florida,[4] while the latter evinced no sentiment of appreciation beyond the mere empty phrases of diplomatic compliment. The Spaniards knew well enough how slight was the importance that the French attached to Louisiana, and hence placed a like estimate upon the sincerity of the trans-

[1] Simancas, Legajo, 4551, Wall to Grimaldi, September 29, 1762.

[2] Simancas, Estado, Legajo, 4552. Grimaldi to Wall, October 29, 1762.

[3] "It being understood that the navigation of the Mississippi River is to be equally free to the subjects of Great Britain and of France in its whole breadth and extent, from its source to the sea . . . as well as the entrance and departure by its mouth." Cantillo, Tratados de paz, *etc.*, p. 489. Also translated in French, Historical Collections of Louisiana, v, p. 240. *Cf. supra*, pp. 446, 447.

[4] *Cf. infra*, p. 453 *et seq.*

action.[1] Grimaldi, in fact, received orders merely to listen to whatever might be said on the subject, but to take no further interest in it.[2] On the whole, Spain felt that the greater proximity of Louisiana to Mexico warranted rather the sacrifice of Florida and the retention of Louisiana in French hands.[3]

The offer of Louisiana to England, however, proved to be the prelude to its cession to Spain. Acting under the advice of Choiseul[4] and without any diplomatic overtures whatever,[5] Louis XV resolved to turn over his worthless colony, as politely as possible, to his Spanish "brother and cousin," and his Bourbon kinsman received it as gracefully as his conflicting emotions permitted.[6] Accordingly, on November 3, 1762, the very day that the preliminary articles of peace were signed on behalf of the powers concerned, the French monarch wrote a personal letter to Charles III, in which he announced his offer of Louisiana.[7] He then bade Choiseul prepare a secret act of cession for Grimaldi to sign.

The formal proceedings of the two diplomats were simple enough. On the same morning, before the preliminary articles had been

[1] "The French declare that in view of what Spain has done they will themselves assume the indemnity that the enemy asks, but we shall do a very good penance just the same for the ravages already suffered. I know that his Most Christian Majesty has offered Louisiana [to Great Britain], but I am afraid that it will not suffice. . . . We are aware that the French ministers think little of it." Simancas, Estado, Legajo, 4551. Wall to Grimaldi, October 23, 1762.

[2] *Ibid.*

[3] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[4] *Cf.* Gayarré, History of Louisiana, 3d ed. ii, 129.

[5] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[6] *Cf. infra*, p. 451 *et seq.*

[7] The portion of it that relates to Louisiana is as follows: "j'ay obligé sous le bon plaisir de V. M^te^ le M^is^ de Grimaldi de signer en faveur de l'Espagne la cession de la Nouvelle Orleans et de la Louisianne, je l'avois offert aux Anglois à la place de la floride; ils m'ont refusé, je leur aurois cédé d'autres possessions pour éviter à l'Espagne la cession de cette colonie, mais j'ay craint que une cession dans le golphe ne tirat trop à conséquence, je sens que la Louisianne ne dédomage que foiblement V. M^te^ des pertes qu'elle a faite dans une guerre aussy courte, entreprise pour la France; mais en lui cédant cette colonie j'en considère moins la valeur que le bien qu'elle peut faire à l'union de la Nation Espagnole avec la Françoise; union qu'il est si nécessaire d'établir solidement pour l'intérêt de nos sujets ainsy que de notre maison." Simancas, Estado, Legajo, 4552.

signed, Choiseul called Grimaldi to his apartments and informed him privately that the French monarch was extremely anxious to indemnify his Catholic cousin of Spain for the sacrifice of Florida. To this end, declared Choiseul, enthusiastically, his royal master was ready to give up any part of his dominions. As a proof of this willingness Louis XV had determined to cede Louisiana to Spain. He had not made the offer of that province to England more tempting by the inclusion of St. Lucia, asserted Choiseul, because he feared the possible consequences to both the French and Spanish colonies of any increase of English power in the neighborhood of the Antilles.[1] But should his Bourbon relative deem Louisiana insufficient to atone for the loss of Florida, the French monarch would evince his gratitude and good will by the addition of St. Lucia as well.[2] Choiseul thereupon handed Grimaldi the royal letter and the act of cession of Louisiana. The Spanish ambassador signed the act tentatively, awaiting the pleasure of his royal master.[3] In this letter of transmission to Wall, however, he intimated his suspicion as to the real nature of Choiseul's enthusiasm over the prospect of relinquishing Louisiana to Spain, and declared that under the circumstances he thought that the province had better stay in French hands.[4] The preliminaries of the cession to Spain having thus been concluded, nothing further about them is mentioned in the diplomatic correspondence of the time.[5] Only the royal signatures, the one of ratification, the other of confirmation, were formally lacking to make the transaction complete.

[1] *Cf.* the letter of Louis XV, p. 449, note 7.

[2] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762, citing Grimaldi's letter to him of November 3.

[3] The text of the act is given in French, Historical Collections of Louisiana, v, 235–36. It is practically a repetition of what is contained in the letter of Louis XV, p. 449, note 7.

[4] Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1782, citing the latter's letter to him of November 3.

[5] Writing to Ossun, November 3, 1762, all that Choiseul has to say about the cession is the following: "La lettre du Roy à sa Majesté Catholique et l'acte que je veux de signer avec M. de Grimaldi par rapport à la Louisiane rempliront tout ce que j'aurois à vous dire sur la matière intérésante, dont il s'agit. Les lumières supérieures et le coeur du roy d'Espagne suplieront à tout le reste." Simancas, Estado, Legajo, 4552.

On November 10 the French ambassador at Madrid informed Charles III of the proposed gift of Louisiana, and handed him the letter of his Bourbon kinsman. "The reply of his Majesty, in his first impulse," wrote Wall to Grimaldi,

> I assure you was worth any province whatever: "I say, no, no, my cousin is losing altogether too much; I do not want him to lose anything in addition for my sake, and would to Heaven I could do yet more for him." [1]

The sentimentality was quite characteristic of Charles III at this time, and Wall had some difficulty in persuading him to accept the offer.[2] On November 13, however, the Spanish king affixed his signature to the act of cession, and ten days later Louis XV confirmed the deed of gift.[3] Not until December 2 did Charles III send a personal acknowledgment of the favor.[4]

The act of France, first in offering Louisiana, almost the last vestige of her colonial dominions, to England, as a means of saving Florida for Spain, and then of ceding it outright to her ally as a partial recompense for what Spain had lost in the common struggle, was a singular mixture of Gallic impulsiveness with Gallic policy. The apparent generosity of the deed is almost pathetic. It would be so in fact had France really valued Lou-

[1] *Ibid.* Wall to Grimaldi, November 13, 1762.

[2] "This stroke of generosity is one of great policy, and we have had some trouble to make the king accept it, and let himself be persuaded for the same political reason that actuated its offer." Wall to Roda, November 16, 1762, quoted in Danvila, Historia del Reinado de Carlos III, t. ii, p. 80. "When once the king had overcome his first generous repugnance that his cousin should lose even a hand's breadth of land, he at length acquiesced and ratified the cession." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[3] Text in French, Historical Collections of Louisiana, v, p. 239.

[4] Following is the portion that concerns Louisiana: "j'ay été charmé que V. M. ait saisie le moment de faire la paix, et je ne me souviendrai des pertes que par le regret que j'auray toujours, quelles n'ont pas été aussi utiles à la france et à la gloire de V. M., que je me l'étois proposé, en partageant ses dangers et d'avoir été obligé de céder aux pressants instances de V. M. dans l'acceptation de la Louisiane! le Mr D'ossun, son ambassadeur, sçait combien mon Coeur a combatu contre la sagesse des vues politiques qui ont engagé V. M. à m'en faire la cession, et cependant sans l'espoir que j'ay de pouvoir un jour Marquer à la France les mêmes sentimens je m'y serois constament refusé." Simancas, Estado, Legajo, 4552.

isiana,[1] and were one able to prove the sincerity and disinterestedness of the motives that called it forth. Rather than pathetic, the performance was almost ludicrous in its precipitation of what must have been a foregone conclusion ever since the offer to England was made. Even prior to this last event France had averred her willingness to part with Louisiana.[2] After the English had rejected the province, to tender it to Spain was assuredly a most natural and logical proceeding. The precipitation, furthermore, lay not merely in shifting the cession from one country to another, but rather in the actual eagerness with which the French shuffled off their ancient possession. Indeed they were actually afraid that Spain might not take Louisiana, or that Charles III might revoke his acceptance of it.[3] The ludicrous character of the French share in the cession also appears in the absolute transparency of the economic and political motives involved. Men of less diplomatic discernment than those old masters of statecraft, Wall and Grimaldi, could have fathomed them without great effort.

In view of the facts and deductions already considered, therefore, the actual cession of Louisiana to Spain ought to occasion no more surprise now than it entailed diplomatic negotiation in 1762. To begin with, the French experiment at colonization in Louisiana had been a flat failure. The province was a useless and costly burden.[4] If France could only shift it from her own

[1] "Une colonie française pleine d'avenir, vierge du fer ennemi, dernier reste de notre empire continental d'Amérique était cédée comme un troupeau." Martin, Histoire de France, t. xv, p. 595.

[2] *Cf. supra*, p. 447 and note 3.

[3] Gayarré describes the precautions taken by the French government to ward off this distressing possibility. He says: "When Kerlerec, the former governor, sent to the French government from the Bastile a memorial showing the utility for France to convert Louisiana in concert with Spain into a commercial depot, in order to render the colony profitable, the minister to whom the memorial was referred endorsed it: 'considering that there are in this memorial some details which might point out to the Court of Madrid proximate causes of conflict with the English, and therefore render the cession of Louisiana less acceptable to Spain, it seems proper that this memorial be recast so as to produce a favorable impression upon that government.'" History of Louisiana, 3d ed., ii, p. 107.

[4] At the very time of the cession, d'Abbadie, the governor of Louisiana, had notified the French government on repeated occasions that the colony was in a "state of complete destitution," a veritable "chaos of iniquities," and that to re-

shoulders to those of Spain, it would be a wise stroke of economy. Could that be done under the guise of a magnanimous appreciation of services performed, it would be still wiser as a political move. But if the donation of Louisiana would tend to quiet the querulous grumblings of Spain about contraband trade in the Gulf of Mexico, and to keep that colonial beldame faithful to the Family Compact, in case of a renewal of the contest with England — and all of it in exchange for practically less than nothing — that would be a masterly stroke of statesmanship indeed.

Considered from the political standpoint, the purpose of France in ceding Louisiana to Spain was not, as has been commonly supposed, to grant Spain a compensation for the loss of Florida.[1] That was merely the ostensible object of the cession. Intrinsically, to both France and Spain, Florida was worth nothing. As a bar to the entrance of contraband trade into the Gulf of Mexico, and as a station for *guardacostas* the port of Pensacola had been useful enough. But when the French had ceded to England the river and port of Mobile, the value of Pensacola became sensibly diminished, for the act brought with it precisely what the Spaniards desired most to avoid — the assignment to the English of a foothold upon the Gulf.[2] Even with the retention of Pensacola Spain could no longer maintain her jealous policy of hermetically sealing the Gulf of Mexico against the commerce of other nations, if indeed, she ever had succeeded in enforcing it absolutely.[3] A more cogent reason than the bestowment of an indemnity for the loss of Pensacola was that of suppressing the French contraband trade, both overland and maritime, with the Spanish colonies around the Gulf, which had had New Orleans as its centre. In

store a proper degree of order it would be necessary to employ "measures of an extreme character." *Cf.* Gayarré, History of Louisiana, 3d ed., ii, 108.

[1] The prevalent opinion is stated for example by Martin as follows: "Par une convention secrète signée le même jour que les préliminaires le roi de France promettait la Louisiane au roi d'Espagne pour le dédommager de la perte de la Floride, et de l'impossibilité où l'on était de rendre Minorque à l'Espagne." Histoire de France, t. xv, p. 594. The last statement is wholly a conjecture, without documentary foundation. Like most of his Spanish confrères, the French writer interprets the cession very superficially. *Cf.* however the somewhat vague opinion of Danvila, *infra*, p. 454, note 3. *Cf.* also p. 456.

[2] *Cf. supra*, p. 441 *et seq.*

[3] *Cf.* the statement of Ferrer del Rio, *infra*, p. 454, note 3.

this way France would dry up a source of chronic dispute with Spain.[1] But the dominant purpose of France, after all, it would seem was to assuage the wounds and sorrows of war, and to assure the continued subservience of her whilom ally to the French dynastic policy.[2]

On the part of the Spaniards the cession of Louisiana awakened neither surprise nor enthusiasm nor gratitude.[3] Personal modesty and a sense of compassion for a kinsman in distress were commingled in the sentimental utterances of Charles III which apparently betokened a disinclination to accept the province. It is quite probable, however, that the king's Spanish pride recoiled from the tacit enactment of the rôle of a suppliant to French bounty, making him slow to accept the positive advantages, if any, the newly acquired American wilderness might bring. Through an analysis of this calculation of the Spanish monarch and his ministers one may arrive at the motives that caused the acceptance of the cession.[4]

[1] *Cf. infra*, p. 156, note 4.

[2] A careful interpretation of the circumstances of the cession, and intensive reading of the letter of Louis XV, are quite sufficient to establish the truth of this assertion. For additional evidence of a documentary character, see *infra*, p. 456, note 4. Danvila, it will be observed, states this view of the cession negatively by showing what Spain should have avoided. *Cf. infra*, note 13.

[3] At this point it might be well to give the opinions of several of the more prominent Spanish historians, relative to the significance of the cession of Louisiana. "As a compensation for the loss of Florida," remarks Lafuente, "Spain obtained . . . what was left of Louisiana, which in fact was for Charles III a burden and a care rather than an indemnity or a recompense." Historia de España, ed. 1862, t. x, p. 324. "The fact that Louis XV by a bit of crafty deceit forced the acquisition of Louisiana upon Charles III," declares Ferrer del Rio, "was far from affording any compensation for such a loss [*i.e.* of Florida]. That new state not only troubled the king with the disagreeable task of governing subjects ill-disposed to his service, but threatened him also with the dangerous contingency of a war with Great Britain." Historia del Reinado de Carlos III, ed. 1856, t. i, p. 377. Danvila is the most recent and best informed of the historians who have dealt especially with the reign of Charles III. He says: "The cession of Louisiana on the part of France as a means of rendering our misfortunes less acute remedied the situation and consequences of the past war in no respect. It served merely to demonstrate . . . the necessity of modifying the course of policy, and for the future of relying wholly upon one's own resources when about to undertake those enterprises which every self-respecting nation is obliged to inaugurate when the question arises of defending the integrity of one's country." Historia del Reinado de Carlos III, t. ii, p. 84.

[4] See *infra*, p. 456, note 4.

The disadvantages involved in the acquisition of Louisiana were obvious enough. Neglect and misgovernment by France had brought the province into a deplorable condition. The lack also of any adequate system of taxation for the support of government and the maintenance of the church made Louisiana, in the eyes of Spain, a pauper colony, a sort of public charge that probably could not take care of itself financially or otherwise. It was the first colony Spain had ever held that had not been settled originally by Spaniards. A new system of colonial administration and different social institutions would have to be superimposed upon the French inhabitants, who probably would be disaffected and hard to govern. Its proximity to the English colonial dominion on the other side of the Mississippi, moreover, might engender friction and perhaps bring on war with Great Britain. Nor was anything known about the nature or value of Louisiana itself, beyond the sparse settlements along the Mississippi; and these were quite insignificant. As a substitute for Florida, finally, the odds of intrinsic value appeared about equal.

But these drawbacks lost their importance before the arguments in favor of accepting and retaining Louisiana. To begin with, the great benefits to be derived from an adherence to the Family Compact were not perhaps quite so patent to the Spaniards as to the French, but at all events it was not the part of wisdom to alienate France by a rejection of her gift.[1] Besides, the possession of Louisiana was useful, if for no other reason than that the Mississippi furnished an admirable line of demarcation for the Spanish dominions in North America. Apart from this consideration, however, if Spain did not take the province it might fall eventually into the power of the English.[2] Developed under the

[1] "A great influence with the king has been the consideration of not losing the effect of so fine a deed, the air of cordiality with which the two courts will appear before the world, serving to bring together the two nations still more." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A. Wall to Grimaldi, November 13, 1762.

[2] "Lorsque cette malheureuse convention fut rendue publique le cabinet de Versailles tâcha d'apaiser l'opinion, profondement blessée, en insinuant dans ses justifications officieuses que la Louisiane était menacée du même sort que le Canada, et que l'on n'abandonnait que ce que l'on n'eût pu garder longtemps." Martin, Histoire de France, t. xv, p. 595.

auspices of that mighty and enterprising people, Louisiana would assuredly become dangerous to the peace and safety of Mexico. Even in the hands of Spain the province was too vast in extent to serve as a very effective barrier against English aggression. Still, on the whole, Louisiana had better be even loosely defended by Spaniards than suffered to become a sturdy and vigorous English colony, with its fortified posts well advanced toward the Mexican frontier.

All things considered, from the commercial and political point of view furthermore, the loss of Florida had been quite a heavy blow to Spain.[1] The acquisition of Pensacola, added to the cession of Mobile from France and the previous possession of Jamaica, gave the English such a hold upon the Gulf of Mexico that the imposition of any adequate check upon their contraband trade with the Mexican region appeared well-nigh hopeless.[2] But if the English had thus been admitted to the Gulf it was some satisfaction at least to know that with New Orleans under Spanish control, French smuggling would be suppressed.[3] Lastly, that Louisiana possessed some natural wealth could not be doubted, and under a wise administration its resources could be developed, alike to the profit of Spain and to that of its new province.[4]

[1] *Cf. supra*, p. 453.

[2] By the acquisition of Florida "the English realized their desire of old to get a footing on the shores of the Gulf of Mexico, so as to carry on their commerce with New Spain, the only section of country in the western Indies free up to that time from their illicit traffic." Ferrer del Rio, Historia del Reinado de Carlos III, ed. 1856, t. i, p. 377. In his correspondence with Tanucci, the Neapolitan minister of Charles III, Wall declared that, in his opinion, the real advantage which England gained by the acquisition of Florida was nothing more than a greater facility for navigating the Gulf of Mexico. Simancas, Estado, Legajo, 5978. Wall to Tanucci, December 14 and 28, 1762.

[3] *Cf. infra*, note 4.

[4] Several of the motives above discussed as actuating both France and Spain are set forth in an official brief (*extracto*), prepared about 1767 for the Council of the Indies. It states that the king of France decided to cede Louisiana, principally because he desired to "maintain the closest possible union and friendship with Spain." Since also, the Spanish commerce with the Indies was so flourishing, he did not wish to have a settlement on the Gulf of Mexico which was likely to carry on an illicit traffic, practically impossible to prevent, and which "contrary to his intentions might lead eventually to unpleasant disputes. To this end he authorized the Duke of Choiseul to draw up an act of cession, pure and simple. Aware of these circumstances, his Catholic Majesty . . . was inclined to accept it for various considerations:

Thus having described the cession of Louisiana in 1762, and explained the motives of France and Spain in accomplishing it, a few words remain to be said about its meaning for the history of the United States. Few diplomatic transactions have exhibited so strange a medley of motives and emotions — at once those of impulsiveness, policy, relief, reluctance and practical calculation, all of them pervaded with a tinge of indifference and carelessness. To the Frenchman and to the Spaniard of 1762 the transfer of a vast and unknown tract in the wilds of North America was, on the whole, a rather trivial performance. Had they realized that the Louisiana territory stretched over 900,000 square

"1. Because, by adding to his dominions of New Spain the territories which his Most Christian Majesty had possessed between them and the River Mississippi, this river from its mouth to its source would serve as a fixed and definite boundary for his royal possessions in North America.

"2. Because, by this acquisition the French would be deprived of a point of vantage from which they had carried on very extensive smuggling operations in the Gulf of Mexico, and more especially along the shores of Campeachy and Honduras, not to mention what they were accustomed to do in the interior of the country.

"3. Because, although granting that this new acquisition might be a heavy burden upon the royal exchequer — in view of the fact that no taxation had been levied there, even to the extent of tithes for the maintenance of the clergy and worship, it being necessary to provide for it by a regular appropriation — one must bear in mind that this appropriation would have a substantial return from the diminution of illicit traffic, and from the advantages that would accrue to the king's vassals by reason of the commerce of that new dominion.

"4. Because, were his Majesty to decline the cession, the eventual fate . . . of the colony would be doubtful; and if by any chance it might fall into the hands of England, in time of peace it would be steadily developed and fortified in the direction of the frontiers of our dominions, it would become widened out along the Missouri and other rivers, the good will of the Indians would be won over, evil reports would be circulated against us, and in case of an outbreak of war the colony would be close to us and well equipped for attacks by way of the provinces of Texas and New Mexico. It was never believed that this . . . colony would become a bulwark for our America; the supposition has always been that should the English intend to invade it, even if we had a large force of troops there, we could not seriously check their movements along an extended frontier of five hundred leagues." The last sentence of the *extracto* is rather difficult to translate, and requires a paraphrase to make its meaning reasonably clear. The text is as follows: "Pero se consideró que no seria lo misneo entrar de nuevo que tenerla ocupada de antemano, y hallarse ya adelantados y fortificados á nuestras espaldas." "But the consideration prevailed that the invasion of Louisiana, were it a Spanish province, would be something quite different from suffering it to be developed and fortified by the English at our very back." Archivo Histórico-Nacional, Madrid. Estado, Legajo, 3889 A.

miles — an area more than four times that of France or Spain — but little difference, probably, would have been made in the readiness of France to part with it, and in the comparative reluctance of Spain to take it. Perhaps it might not be too much to say that in the bizarre diplomacy of 1762 over the cession of Louisiana to Spain, the fate of the United States yet unborn was decided. Had France assigned the territory to England in that year, or if she had retained it, the history of the period 1789–1815 justifies the belief that the result would have been the same; the region must have become a part of the British colonial dominion. When the United States was in its infancy, all conditions, geographical, political, social and economic, pointed toward the formation of two confederacies, one along the Atlantic seaboard, the other along the Mississippi. For many years, if not for all time, that river must have been at once the western boundary of the United States, and, even had that country retained its unity, a bar to its national development.

However unconscious and unwilling her course of action, Spain has been the most potent external factor in the territorial expansion and aggrandizement of the United States. Most of the great republic's domain was once under the Spanish sway. The cession of Louisiana to Spain in 1762 was the necessary prelude to the purchase of 1803, and the story of the West beyond the Mississippi has been in the highest degree the story of our national prosperity and power.

William R. Shepherd.

THE CESSION OF LOUISIANA TO SPAIN.

BY

WILLIAM R. SHEPHERD.

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